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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

SECURITIES AND EXCHANGE COMMISSION, Plaintiff, vs. NANCY R. HEINEN, Defendant.	Case No. C-07-2214 (JF) **THIRD JOINT CASE MANAGEMENT STATEMENT AND [PROPOSED] ORDER** CMC Date: June 13, 2008 Time: 10:30 a.m. Location: Courtroom 3, 5th Floor Hon. Jeremy Fogel

Pursuant to Civil Local Rule 16-10(d), the parties to the above-entitled action certify that they have met and conferred and jointly submit this Third Joint Case Management Statement and Proposed Order and request that the Court adopt it as a Supplemental Case Management Order in this case.

DESCRIPTION OF SUBSEQUENT CASE DEVELOPMENTS

1. The parties note the following changes or progress since the last case management statement filed by the parties:

a. The parties have proceeded with discovery, with the Commission concluding the deposition of Steven Jobs, Chief Executive of Apple, and setting depositions dates for three other witnesses.

b. The parties do not request any alterations to the existing Scheduling Order in this case (Docket Item 37).

d. As required by Local Rule 16-10(d), the parties hereby provide the following statement regarding ADR. The parties held an ADR phone conference on September 5, 2007 at 3:00 p.m. However, both parties continue to believe that, in order for an ADR referral to be useful, the parties should first conclude fact and expert discovery. Accordingly, the parties recommend that the Court refer this case for a settlement conference with a judicial officer after the completion of discovery and the filing of dispositive motions, if any.

2. The parties jointly request that the Court make the following Supplemental Case Management Order:

That the deadlines and other requirements established by the Court's Scheduling Order dated March 27, 2008 (Docket Item 37) remain in effect.

Dated: June 4, 2008

/s/ Robert L. Mitchell
Robert L. Mitchell
Mark P. Fickes
Sahil Desai
Attorneys for Plaintiff
SECURITIES AND EXCHANGE COMMISSION

Dated: June 4, 2008

/s/ Miles Ehrlich
Miles Ehrlich
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Ramsey & Ehrlich
Attorneys for Defendant
NANCY R. HEINEN

SUPPLEMENTAL CASE MANAGEMENT ORDER

This Third Joint Case Management Statement and Proposed Order is hereby adopted by the Court as a Supplemental Case Management Order for the case. Accordingly, the deadlines and other requirements established by the Court's Scheduling Order dated March 27, 2008 (Docket Item 37) remain in effect.

IT IS SO ORDERED.

DATED: _______________, 2008

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Hon. Jeremy Fogel
United States District Judge